

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
December 11, 2012

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Zelda Auslander, Council Member
Bob Dorsett, Jr., Council Member
Steve Braasch, Council Member (arrived at 6:32 p.m.)
Bill Goodwin, Council Member
Jack McCool, Mayor Pro Tem

City Staff:

Frank Salvato, City Administrator
Patty Akers, City Attorney
Kaylynn Holloway, City Secretary
Katie Griffin, Director of Finance
Lindsey Withrow, Director of Community Services
Giancarlo Patino, City Engineer
Russell Pancoast, Chief of Police
Stephen Myrick, Building Official
Amy Kelley, Chief Information Officer
Daeric Graeber, Systems Analysis

Call to Order and Announce a Quorum is Present

With a quorum present, the regular meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:09 p.m. on Tuesday, December 11, 2012 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

Bob Arrona, 5104 Gillians Walk, requested that the Council adhere to the Master Plan. He asked that the Field of Dreams remain zoned public.

Candice House, 13412 Saddleback Pass, stated that the Council had allowed variances and development that was not in the best interest of the City. She opposed the development of Masonwood and a Covert Dealership.

Veronica Putney, 13308 Overland Pass, stated that her husband developed the Homestead and that all the lots were different sizes. She commented that the land needs to be preserved for future landowners.

Carmela Pinzone, 16116 Ozarks Path, stated that Drees Builders was allowed to build the driveway on an easement and it now drains in her yard. She commented that it would affect her resale value. She asked for the Council's help in resolving the issue.

Michelle Williams, 13500 Saddleback Pass, stated that she was concerned about the Council not following the Comprehensive Plan. She asked that the Council consider the lights that would be shining on the neighborhood behind the proposed Covert Dealership.

Sam McNabb, 16120 Ozarks Path, stated that his home is being built by Drees and the closing has been put on hold because of the issue with the driveway. He asked that the Council put their case on the fast track to solve the issue because his family is now living in a hotel.

Council Member Braasch arrived at 6:32 p.m.

Craig McMenany, Drees Custom Homes, stated that he was the builder for Drees Homes and addressed the issue with the driveway at 16120 Ozarks Path.

Don Walden, Developer, commented on the driveway issue with the Drees Builder. He stated that Falconhead West does not have side yard set backs and it is not uncommon to have the driveway be on the property line. He stated that the Council should postpone action on the Covert preliminary plat and ask them to meet with the affected neighbors about their issues and the traffic.

Keith Witek, 5900 Otterhone Drive, asked the Council to follow the Master Plan. He stated that he was opposed to the Masonwood Development.

Erika Bledsoe, 5403 Carbine Circle, stated that she was concerned about the proposed Covert development.

Dean Appling, 13105 Roundtop Circle, stated that he was concerned about the Council approving variances and not following the Comprehensive Plan. He asked the Council to not rezone the Field of Dreams.

Carroll Killebrew, 5410 Great Divide, read comments on behalf of Cliff Braddock who was requesting that development in Bee Cave follow the Comprehensive Plan.

Consent Agenda.

- A. Consider approval of minutes of the Regular meeting conducted on November 27, 2012.
- B. Consider Proclamation recognizing Bee Cave Public Library as A Five Star Library.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to approve the Consent Agenda.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider possible refunding opportunity to refund the Bee Cave Development Corporation Sales Tax Revenue Bond, Series 2007.

Financial Advisor Chris Lane and Bond Counsel Tom Pollan discussed the bond market conditions and refunding opportunity.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Braasch, to approve the Resolution adopted by the Economic Development Board authorizing Financial Advisor and Bond Counsel to proceed.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on the Preliminary Plat for Covert Bee Cave Subdivision, located at 15900 State Highway 71 West in the City of Bee Cave extra-territorial jurisdiction.

Council Member Braasch presented a potential conflict of interest and was not present during the discussion of this item.

Director of Community Services Lindsey Withrow presented this item. The property is located on the North side of Highway 71 approximately 650 feet east of Vail Divide. Falconhead West abuts to the north and west and Summit 56 to the east.

Kenny Watkins, Bleyle Engineering and representing the applicant, spoke on the proposed project. He stated that the intent of the Covert's is not to alienate neighbors.

Andrew Clark, 4600 Mont Blanc, commented that he was on the Board of the Homeowners Association of Falconhead West and that they have had no communication from the Coverts. He stated the safety is a concern and test driving cars in their neighborhood.

David Manglos, 4701 Mont Blanc, stated that he wanted the Council to do whatever possible to stop the Covert project.

Morris Moore, 5005 Pyrenees Pass, commented that he only has 600 feet that separates his property from the project. He stated that he was concerned with the light pollution and that the dealership does not belong abutting a neighborhood.

Beth and Mike Goolsby, 4933 Pyrenees Pass, asked who was going to do the traffic analysis study. They expressed concern for safety in the area.

Martha Stohl, 4601 Pyrenees Pass, stated that she could hear noise from the Nitro Swim Center. She expressed concern about the noise and the trash pick-up from the proposed Covert dealership.

Louise Wionzek, 3901 Vail Divide, stated that she agreed with the previous speakers and that she was concerned about the lighting and suggested that the dealership not have any access from Vail Divide.

Ben King, 16005 Snowdonia, stated his opposition to the three-story parking garage and the noise and traffic problems.

Richard Kenyan, 5021 Pyrenees Pass, stated that he moved from Lakeway to Falconhead West. He commented that he was now going to see a Covert sign and a 3-story garage.

Candice House, 13412 Saddleback Pass, expressed concern about the number of cars and the impact on water quality and impervious coverage. She opposed the Covert development.

Carroll Killebrew, 5410 Vail Divide, expressed opposition to the Covert car dealership. He commented on his concern for the light and noise pollution.

Jeff Henley, 4324 Vail Divide, presented a petition expressing opposition to a car dealership next to the Falconhead West community.

Julie Flores , 4505 Pyrenees Pass, opposed the location of the proposed Covert dealership. She asked about possible annexation by the City.

Eric Storm, 3905 Vail Divide, offered his services to represent the City as a legal attorney. He asked the Council to do whatever possible to stop the proposed dealership project next to their neighborhood.

Paul Klein, 4005 Vail Divide, commented that no one from the Covert dealership ever had any intention of being good neighbors. He asked the Council to do everything possible to oppose the project.

Don Walden, Developer, stated that the Covert's wanted to purchase 5 acres for access because their access on the preliminary plat is not safe. He opposed the development in the area.

Pat Sinnott, Lakepointe, stated that that the dealership had no business coming to this area.

Executive Session

The City Council closed the Open Session at 8:18 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

Council Member Dorsett presented a potential conflict of interest and was not present during the discussion of this item.

The City Council closed the Executive Session at 8:44 p.m. and reconvened in Regular Session in the Council Chambers.

Council Members Braasch and Dorsett were not present at the dias.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Auslander, to deny the preliminary plat for Covert Bee Cave Subdivision based on the Texas Department of Transportation has only approved one driveway to the property and the second unapproved driveway is unsafely located.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander and Goodwin
Voting Nay:	None
Absent:	Council Members Braasch and Dorsett

The motion carried.

Council Members Braasch and Dorsett returned to their seats at the dias.

Discuss and consider action on Ordinance No. 133, an ordinance accepting the petition to annex 35.733 legally described as Lot 1, Block A, Morningside Subdivision located at 3544 South RR 620 and providing for the notice and holding of two public hearings.

Ms. Withrow presented this item.

Scott Morledge of Ash Creek Homes and Jeff Booth of Embrey Partners, were present and commented on their request.

MOTION: A motion was made by Council Member Dorsett, seconded by Mayor Pro Tem McCool, to approve Ordinance No. 133 accepting the petition for the annexation of Morningside Subdivision.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

Discuss and consider action on the site and NPS plan for Morningside Subdivision, located at 3544 South RR 620 in the City of Bee Cave extra-territorial jurisdiction.

City Engineer Giancarlo Patino presented this item.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Dorsett, to approve the site and NPS plan for Morningside Subdivision.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

Discuss and consider action on two sign variance requests for Gold's Gym located 12780 Bee Cave Road.

Building Official Stephen Myrick presented this item.

Kendra Jirasek, Regional Marketing Manager for Gold's Gym, spoke on this item.

The City Council was advised that they were not allowed to grant variances for off premise signs.

No action was taken on the variance requests.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to approve the refund of the application fees.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

Discuss and consider action on the Site and NPS plan for the West Bee Cave Interceptor Parts 1 & 2 utility improvements within the southwestern portion of the city's corporate limits and extra-territorial jurisdiction requested by Masonwood 71, LTD.

Mr. Patino presented this item. He stated that the West Bee Cave Interceptor is a regional wastewater line paralleling Little Barton Creek along the southwest side of Bee Cave.

Aaron Googins representing Masonwood spoke on this item.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Braasch, to approve the site and NPS plan for the West Bee Cave Interceptor parts 1 and 2 only within the areas where the easements are acquired or not needed.

The vote was taken on the motion with the following result:

Voting Aye:	Council Members Auslander, Braasch and Dorsett
Voting Nay:	Mayor Pro Tem McCool and Council Member Goodwin
Absent:	None

The motion carried 3-2.

Discuss and consider action on the site and NPS plan for Bee Cave Senior Living, located at 14058 Bee Cave Parkway.

Mr. Patino presented this item.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Braasch, to approve the site and NPS plan for Bee Cave Senior Living subject to applicant posting fiscal security.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action to partially release the fiscal security for soil and re-vegetation within the Bee Cave Parkway right-of-way per City of Bee Cave agreement with Skaggs to provide temporary construction easement.

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Goodwin, to approve the partial release of fiscal security for soil and re-vegetation within the Bee Cave Parkway right-of-way per City of Bee Cave agreement with Skaggs to provide temporary construction easement.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action to partially release fiscal security for the water quality pond on the Skaggs property per amendments to the Agreement for Construction and Dedication of Right-of-Way.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to approve the partially release fiscal security for the water quality pond on the Skaggs property per amendments to the Agreement for Construction and Dedication of Right-of-Way.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on Resolution No. 2012-05 concerning the creation of the Hays-Travis Regional Water Authority Conservation and Reclamation District to replace the West Travis County Public Utility Agency with the legislation creating the Conservation and Reclamation district.

Lauren Kalisek, General Counsel for the West Travis County PUA, presented this item. The new legislation would be filed at the next legislative session. This will be updated to include Council Member Goodwin as the fourth member of the Board.

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Dorsett, to approve Resolution No. 2012-05 concerning the creation of the Hays-Travis Regional Water Authority Conservation and Reclamation District to replace the West Travis County Public Utility Agency with the legislation creating the Conservation and Reclamation district subject to final review of the draft of the legislation.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

Discuss and consider action on the approval of an Order ratifying the West Travis County Public Utility Agency regional water and wastewater systems schedule for rates, fees, charges and terms and conditions of retail treated water and wastewater services.

Mrs. Kalisek presented this item.

Mike Murphy, Vice President on the Board of the WTCPUA, commented on the rates.

MOTION: A motion was made by Council Member Dorsett, seconded by Mayor Pro Tem McCool, to approve the Order ratifying the West Travis County Public Utility Agency regional water and wastewater systems schedule for rates, fees, charges and terms and conditions of retail treated water and wastewater services.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

Discuss and consider action on Ordinance No. 134, an ordinance establishing regulations for the issuance of notices of violations by non-peace officers.

No action was taken on this ordinance.

Discuss and consider action on a request for IT Equipment and funding including municipal court paperless project, changes to the uninterruptible power source and Citrix.

Chief Information Officer Amy Kelley presented this item.

MOTION: A motion was made by Council Member Braasch, seconded by Mayor Pro Tem McCool, to approve the purchase of the uninterruptible power supply in an amount not to exceed \$10,000.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: None

The motion carried.

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Auslander, to approve the purchase of the Citrix upgrade in the amount of \$12,000.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: None

The motion carried.

MOTION: A motion was made by Council Member Braasch, seconded by Mayor Pro Tem McCool, to approve the completion of the paperless court project in the amount of \$11,000 out of the Court Technology Fund.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action regarding Austin Energy's new rate structure.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Braasch, to authorize the City Attorney to draft a letter to intervene.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

Discuss and consider update on future City elections including possible action on Resolution No. 2012-06 changing the City's May uniform election date to the uniform election date in November.

No action was taken on this item.

Discuss and consider setting a Workshop Session to discuss strategic planning for future projects.

The City Council agreed to a Workshop Session date of February 4th, 2013 at 5:00 p.m.

Discuss and consider action on the purchase and/or lease of approximately 149-acres of land from the Falconhead West developers or Homeowners Association.

Mrs. Akers updated the Council on this item.

No action was taken on this item.

Adjournment

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Auslander, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett, and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

The City Council adjourned the meeting at 12:16 a.m.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary